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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FINJAN, LLC, a Delaware Limited Liability
Company,

Plaintiff,

vs.

SONICWALL INC., a Delaware
Corporation

Defendant.

Case No.: 5:17-cv-04467-BLF-VKD

**DECLARATION OF JARRAD M.
GUNTHER IN SUPPORT OF
DEFENDANT SONICWALL INC.'S
OPPOSITION TO FINJAN'S MOTIONS
IN LIMINE NOS. 1-5**

1 I, Jarrad M. Gunther, declare as follows:

2 1. I am an attorney at the law firm of Duane Morris LLP and am counsel for Defendant
3 SonicWall Inc. (“SonicWall”). I have personal knowledge of the matters set forth in this
4 Declaration, and if called as a witness, could and would testify competently to such facts under oath.
5 I submit this Declaration in support of SonicWall’s Opposition to Finjan’s Motions in Limine Nos.
6 1-5. In making this Declaration, it is not my intention, nor the intention of SonicWall, to waive the
7 attorney-client privilege, the attorney work-product immunity, or any other applicable privilege.

8 2. Attached as **Exhibit 35** is a true and correct copy of the August 18, 2020 Transcript
9 of Proceedings by Zoom Webinar.

10 3. Attached as **Exhibit 36** is a true and correct copy of the August 15, 2018 Defendant
11 SonicWall Inc.’s Responsive Damages Contentions Pursuant to Patent L.R. 3-9.

12 4. Attached as **Exhibit 37** is a true and correct copy of excerpts from the September 4,
13 2020 Expert Report of DeForest McDuff, Ph.D.

14 5. Attached as **Exhibit 38** is a true and correct copy of excerpts from the October 9,
15 2020 Expert Report of Stephen L. Becker, Ph.D. on Behalf of Defendant.

16 6. Attached as **Exhibit 39** is a true and correct copy of excerpts from the October 28,
17 2020 Errata to Expert Report of Stephen L. Becker, Ph.D. on Behalf of Defendant, SLB-1A and
18 SLB-1B.

19 7. Attached as **Exhibit 40** is a true and correct copy of excerpts from the August 6, 2019
20 Deposition Transcript of Shlomo Touboul, in the case styled, *Finjan, Inc. v. Cisco Sys., Inc.*, Case
21 No. 17-cv-72-BLF (N.D. Cal.)

22 8. Attached as **Exhibit 41** is a true and correct copy of excerpts from the transcript of
23 the November 2, 2020 deposition of DeForest McDuff, Ph.D.

24 9. Attached as **Exhibit 42** is a true and correct copy of excerpts from the September 4,
25 2020 Expert Report of Dr. Avi Rubin Regarding Invalidity of U.S. Patent No. 8,225,408, U.S. Patent
26 No. 7,975,305, U.S. Patent No. 7,613,926, and U.S. Patent No. 6,965,968.

1 10. Attached as **Exhibit 43** is a true and correct copy of excerpts from the September 4,
2 2020 Expert Report of Dr. Kevin Almeroth on Invalidity of U.S. Patent Nos. 6,154,844 and
3 8,141,154.

4 11. Attached as **Exhibit 44** is a true and correct copy of excerpts from the September 4,
5 2020 Expert Report of Patrick McDaniel Regarding the Invalidity of the '494 and '780 Patents.

6 12. Attached as **Exhibit 45** is a true and correct copy of excerpts from the July 20, 2020
7 Plaintiff Finjan, Inc.'s Objections and Responses to Defendant SonicWall, Inc.'s Third Set of
8 Interrogatories (Nos. 11-25).

9 13. Attached as **Exhibit 46** is a true and correct copy of the August 1, 2005 Email from
10 Asher Polani regarding Termination Letters, marked as Polani Depo Ex. 13.

11 14. Attached as **Exhibit 47** is a true and correct copy of the October 8, 2005 Email from
12 Asher Polani regarding Finjan Transition Status – Snap Shot (October 8th 2005), marked as Polani
13 Depo Ex. 14.

14 15. Attached as **Exhibit 48** is a true and correct copy of the January 1, 2012 Consulting
15 Agreement entered into between FI Delaware, Inc. and Shlomo Touboul, marked as Touboul
16 Deposition Ex. 31.

17 16. Attached as **Exhibit 49** is a true and correct copy of the April 11, 2006 Email from
18 Asher Polani regarding Yahoo! Finance Story – Aladdin Granted Important U.S. Patent for Proactive
19 Protection Against Spyware and Viruses, marked as Polani Deposition Ex. 4.

20 17. Attached as **Exhibit 50** is a true and correct copy of excerpts from the August 5, 2019
21 Deposition Transcript of Asher Polani, in the case styled, *Finjan, Inc. v. Cisco Sys., Inc.*, Case No.
22 17-cv-72-BLF (N.D. Cal.).

23 18. Attached as **Exhibit 51** is a true and correct copy of the Frequently Asked Questions
24 for Sales, marked as Polani Deposition Ex. 7.

25 19. Attached as **Exhibit 52** is a true and correct copy of excerpts from the January 8,
26 2018 Trial Transcript, in the case styled, *Finjan, Inc. v. Blue Coat Systems, Inc.*, Case No. CV-15-
27 03295-BLF (N.D. Cal.).
28

21. Attached as **Exhibit 54** is a true and correct copy of excerpts from the February 25, 2019 Deposition of Philip Hartstein, in the case styled, *Finjan, Inc. v. Cisco Sys., Inc.*, Case No. 17-cv-72-BLF (N.D. Cal.).

/s/ Jarrad M. Gunther
Jarrad M. Gunther

ATTESTATION

In accordance with Civil Local Rules 5-1(i)(3), I attest that concurrence in the filing on this document has been obtained from any other signatory to this document.

Dated: March 11, 2021

Respectfully Submitted,

/s/ Nicole E. Grigg

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